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GAO

United States General Accounting Office
Washington, DC 20548

Office of
General Counsel

In Reply
Refer to: B-192267

January 22, 1981

NO INFO BEING AVAILABLE TO PUBLIC REGARDING

[Avenues of Appeal Regarding Adverse GAO Decision]

Mr. Podis Pedrus
Director, Bureau of Personnel
High Commissioner
Trust Territory of the Pacific Islands
Saipan, Mariana Islands 96950

DLG 05909

Dear Mr. Pedrus:

We refer to your letter of November 18, 1980, to Mr. Jay Gerst, Department of the Interior, concerning the questions raised by Mr. Carl Bauer. Basically, Mr. Bauer requests information concerning the avenues of appeal which are available to him in light of our decision, Matter of Carl Bauer, B-192267, September 10, 1980. As you were informed by letter of December 4, 1980, from Ms. Kathleen M. Mealy our Office has been requested to respond to Mr. Bauer's questions.

Under section 71 of title 31 United States Code (1976) the General Accounting Office has been granted authority to settle and adjust all claims and demands whatever by the Government of the United States or against it. Moreover, the decisions of the General Accounting Office respecting money claims are final and conclusive upon the Executive Branch of the Government. 31 U.S.C. 74 (1976) and Petit v. United States, 203 Ct. Cl. 207 (1973). Since the General Accounting Office has rendered a decision on Mr. Bauer's claim our decision is considered to be binding upon the Executive Branch of the Government and there is no other agency or department within the branch to which he may appeal.

Mr. Bauer, however, may still request the General Accounting Office to reconsider its decision. If he chooses to do so, he should state in writing the errors which he believes were made in the decision and submit any new evidence which was not previously considered. 4 C.F.R. 32.2 (1980).



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In addition to seeking reconsideration by the General Accounting Office, Mr. Bauer may bring an action based on his claim against the United States in either the United States District Courts or the United States Court of Claims. See, 28 U.S.C. 1346(a)(2) and 1491 (1976). These courts have jurisdiction to hear a claim such as Mr. Bauer's if the claim is filed within 6 years from the time it first accrued. See, 28 U.S.C. 2401 and 2501 (1976). However, the fact that Mr. Bauer filed his claim with the General Accounting Office would not toll the running of the statute of limitations. Iran National Airlines v. United States, 175 Ct. Cl. 504 (1966).

We trust this answers your inquiry.

Sincerely yours,



Edwin J. Monsma
Assistant General Counsel

cc: Ms. Kathleen M. Mealy
Chief, Branch of Personnel
Operation (A)
United States Department of the Interior
Office of the Secretary
Washington, D.C. 20240